

CAUSE NO. 09-19-00097-CR

NATHANIEL ALLAN JOHNSON § **IN THE COURT OF APPEALS FOR**
§ **9th COURT OF APPEALS**
V. § **BEAUMONT, TEXAS**
§ **THE NINTH DISTRICT OF TEXAS,**
§ **CAROL ANNE HARLEY**
THE STATE OF TEXAS § **AT BEAUMONT, TEXAS**
Clerk

**STATE'S MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

TO THE HONORABLE JUSTICES OF THE COURT OF APPEALS:

COMES NOW the State of Texas, by the undersigned assistant district attorney, and moves the Court for an extension of time to file its appellate brief in the above-captioned case. The State would respectfully show the Court the following:

1. On March 21, 2019, a jury found the appellant guilty of assault of a family member by impeding breath, with a prior conviction, and assessed his punishment at life imprisonment.
2. The appellant filed his notice of appeal on March 21, 2019.
3. The appellant filed his brief on September 24, 2019.
4. The State's brief is due to be filed in this Court on October 24, 2019.
5. The State has not previously requested an extension of time to file its brief.
6. The State hereby requests a 30-day extension of time to file its brief, until

November 23, 2019.

7. Good cause exists for the requested extension of time, for the following reasons:

In the past thirty days, the undersigned counsel for the State has been required to prepare and file the State's appellate brief in *Michael Alan Webster v. The State of Texas*, Cause No. 09-18-00391-CR; the State's motion to designate factual issues for resolution in *Ex parte William Levi Pipes*, Cause No. 12-06-06741-CR (1); the State's answer to an application for post-conviction writ of habeas corpus in *Ex parte Brackster Keeton*, Cause No. 18-07-08737-CR-(1); and the State's brief in *Samuel Burkes Williams, IV v. The State of Texas*, Cause No. 09-18-00402-CR.

Further, the undersigned counsel is assigned to represent the State in Montgomery County's misdemeanor expunction cases and has been required to attend to duties pursuant to that assignment.

Consequently, counsel has not had sufficient time to prepare an adequate State's brief in this case.

THEREFORE, the State requests an extension of time to file its brief until November 23, 2019, in this case.

Respectfully submitted,

BRETT W. LIGON
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/s/ Amy Waddle
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion was sent by e-mail to Mr. Jon A. Jaworski, attorney for the appellant, at jaaws@peoplepc.com, on the date of the filing of the original with the Clerk of this Court.

/s/ Amy Waddle
AMY WADDLE
Assistant District Attorney
Montgomery County, Texas